

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference hyn.2952.pct.ml.rw.m	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/APEA/416)
International application No. PCT/GB2004/002588	International filing date (day/month/year) 17.06.2004	Priority date (day/month/year) 17.06.2003	
International Patent Classification (IPC) or both national classification and IPC H04R1/02, H04R7/04, H04R31/00			
Applicant SFX TECHNOLOGIES LIMITED et al.			

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 27.01.2005	Date of completion of this report 09.11.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Timms, O Telephone No. +31 70 340-2067

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I. Basis of the report

1. With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-30 as originally filed

Drawings, Sheets

1/3-33 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3):

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes: Claims	4-6,10-21
	No: Claims	1-3,7-9,22-30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-30
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1 Reference is made to the following document:**

D1: WO 02/074006 A (HARRIS NORMAN RICHARD ; HARRIS HYND LTD (GB); HYND IAN ALEXANDER (GB)) 19 September 2002 (2002-09-19)
D2: WO 03/005764 A (LACY GRAHAM KEITH ; NEWLANDS TECHNOLOGY LTD (GB); SWAN JULIAN FRANCIS) 16 January 2003 (2003-01-16)
D3: WO 93/25053 A (BAUSCH & LOMB) 9 December 1993 (1993-12-09)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3, 7-9 and 22-30 is not new in the sense of Article 33(2) PCT and the subject-matter of claims 4-6 and 10-21 does not involve an inventive step in the sense of Article 33(3) PCT.

2 Document D1 discloses (the references in parenthesis applying to this document):**2.1 Independent apparatus claim 1**

"A driver assembly for a panel loudspeaker, the driver assembly comprising a voice coil, a magnet assembly (see Fig.4), a substantially rigid planar member (see Fig.4 Ref. Nr.13), and a retaining element for retaining the magnet assembly (see Fig.4 Ref. Nr.14, Page 1 L20-23) with respect to the voice coil; wherein the retaining element defines a first surface adapted to be removably coupled to a panel forming an acoustic radiator (see Page 4 L21-24), and the substantially rigid planar member is attached to the voice coil and is disposed between the voice coil and said first surface (see Page 4 L2-28, Page 5 L4-17, Claim 1)."

The use of the terms "substantially rigid planar" and "substantially rigid" does not set sufficient limitations on the choice of the material and the shape of the construction member of the disclosed system which is connected to the voice coil.

Document D1 discloses a standard loudspeaker having a cone filled with a filling material (see D1 Page 4 L3-7) considered to be substantially rigid (for example rubber or iron see D1 page 2 L26-27) which is connected to the voice coil and is forming a "sound emitting element" having a planar surface (see Page 1 L18-21). Therefore it is

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considered as being the same as "a substantially rigid planar member". Moreover, D1 is disclosing a retaining element (see Fig.4 Ref. Nr.14) which is holding the rest of the loudspeaker structure including the magnet assembly and as such it is considered as retaining the magnet assembly from the voice coil. It also defines a surface adapted to be coupled to a panel forming an acoustic radiator.

2.2 Apparatus claims 22, 25 and 26

The combination of technical features of independent claim 22 and dependent claim 25 is disclosed in the wording of claim 1. The same applies for the technical features of independent claim 26. Therefore the argumentation used in section 2.1 of the present communication also applies in this case.

2.3 Independent method claims 27 and 30

Method steps of claims 27 and 30 are corresponding to apparatus claim 1 (for argumentation concerning novelty see section 2.1 of the present communication).

3 Dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D2 and D3 and the corresponding passages cited in the search report.